REMARKS

The Office Action mailed January 19, 2007 considered claims 1-22. Claims 1-10, 12, 13, 21 were rejected under 35 U.S.C. 102(b) as being anticipated by Cordero et al. (US 2001/0044339) hereinafter *Cordero*. Claims 11, 14-20, 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Cordero*.[1]

By this paper, claims 1 and 14 have been amended, claims 12-13 have been cancelled, and new claim 23 has been added, such that claims 1-11, and 14-23 remain pending, of which claims 1, 14, 21 and 22 are independent claims.

As a preliminary matter, applications would like to thank the Examiner for the courtesies extended during the communication of April 10, 2007. That communication is summarized in the arguments below.

The application is generally directed to allowing for efficient testing of different interfaces intended to be used with an application program. In claims 1 and 21 this is accomplished by identifying an application program interface (API) that is common to each of the interfaces and performing testing on the common API as a representative test for all of the interfaces. A representation of a first value is provided to the application program through the common API. If an expected result is returned, a determination can be made that all of the different interfaces are interoperable with the application program. Claim 1 recites a method and claim 21 recites a corresponding computer program product for performing the method of claim 1.

Similarly, claims 14 and 22 allow for efficient testing of different interfaces by sending a value for each of the different interfaces using a common API. Results are received as a result, and these results are compared to identify an expected result.

[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

In rejecting the claims, the Office Action cites to Cordero. However, with respect to claims 1 and 21, Cordero teaches directly contrary to what is claimed. Illustratively, claims 1 and 21 as now drafted, recite that existing interfaces are identified, and a common API for each of those interfaces is identified. A determination can then be made that all of the interfaces with the common API are interoperable with an application program if a test program using the identified common API is able to return a correct result. While Cordero does teach at [0075] that a common API may be presented for all platforms, it appears that this API is used during development of platforms and is not identified from identified existing interfaces as is recited in the claims of the present application. Rather, Cordero simply illustrates that a programmer can program to a cross platform core. See Cordero at [0013]. To highlight the differences between Cordero and the present application, the newly added limitation of "based on the value of the result from the application program, determining that each of the one or more interfaces is interoperable with the application program" is simply not present in Cordero. Rather than identifying interfaces and determining if they are interoperable with an identified application or not, Cordero simply codes to the cross platform core.

With regards to claims 14 and 22, applicants submit that (1) the Office Action has failed to set forth a prima facie case obviousness, and (2) that the Office Action attempts to set forth a prima facie case of obviousness by clearly using impermissible hindsight reconstruction.

First, to establish a prima facie case of obviousness, the references must teach or suggest each all of the claim limitations. MPEP 2142 and 2143.01. However, the Office Action readily admits at page 8 that the cited art fails to explicitly disclose "comparing the plurality of results to identify an expected result." Rather, the Office Action simply states that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to do so." If the Office is taking official notice of this element, then Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record. The cited art does not show or suggest this element.

Second, for adding this element, the Office Action states that the motivation is found in that "one would have been motivated to identify an expected result so as to obtain a baseline to compare against and determine whether the subsequent results are within a certain range." However, the cited art does not teach this motivation. Again, to establish a prima facie case of obviousness, the motivation must come from the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. MPEP 2142. The level of skill in the art cannot be relied upon to provide the suggestion to combine references. MPEP 2143.01. Rather, it appears that when relying on the knowledge which was within the level of ordinary skill at the time the claimed invention was made, the analysis focuses on a particular principle known to one of skill in the art. See *In Re Rouffet* at 1359. The Office Action "must identify specifically the principle, known to one of ordinary skill that suggests the claimed combination." Id. at 1359.

Rather than citing to a principle, known to one of ordinary skill, the Office Action cites from the Applicant's own disclosure. For example, Applicant's disclosure at paragraph [0046] states "the expected result can then be used as a baseline of comparisons that will be used to validate the results of additional tests using the same application program or same API." Similarly, the Office Action cites as its motivation that "one would have been motivated to identify an expected result so as to obtain a baseline to compare against and determine whether the subsequent results are within a certain range." As the art cited by the Office Action is devoid of any such motivation, it appears that the motivation stated in the Office Action came from the Examiner's review of Applicant's own disclosure. Thus, this appears to clearly be an attempt at an impermissible hindsight reconstruction of the Applicants own invention. However, even using the stated motivation, the element of "comparing the plurality of results to identify an expected result" is nonetheless missing from the art cited in the office action.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the

purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 19th day of April, 2007.

Respectfully submitted,

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